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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/739,687

12/20/2000

David Stephen Gress

95-455

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02/03/2005

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EXAMINER

ZEWDU, MELESS NMN

ART UNIT

PAPER NUMBER

2683

DATE MAILED: 02/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/739,687

Applicant(s)

GRESS ET AL.

Examiner

Meless N Zewdu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 29 September 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-76 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 17-34, 75 and 76 is/are allowed.
- 6) ☒ Claim(s) 1-12, 14-16, 35, 36, 38-54, 56-70 and 72-74 is/are rejected.
- 7) ☒ Claim(s) 13, 37, 55 and 71 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Response to Amendment***

1. This action is in response to the communication filed on 9/29/2004.
2. Claims 1-76 are pending in this action.
3. In response to applicant's argument that the reference (US 6,671,355) issued to Spielman et al., is commonly owned, examiner has removed the document/reference from further consideration.
4. Applicant, in the instant amendment/response indicates that the list US patents submitted in an earlier response (April 16, 2004), as Exhibit A and Exhibit B, are "incorporated in their entirety herein by reference." (see REMARKS). Examiner would like to remind applicant that this is an improper way incorporating by reference.

***Claim Objections***

Claims 75 and 76 are objected to because of the following informalities: the claims were added in a previous amendment, however, their status, in the current amendment is indicating (NEW). Appropriate correction is required.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1, 6-12, 14, 35-36, 38-43, 48-54, 56, 59, 64-70 and 72 are rejected under 35 U.S.C. 103(a) as being unpatentable over Patil (US 6,625,460 B1) in view Ross et al. (Ross) (US 6,263,212 B1).**

**As per claim 1:** a method in a server, the method comprising:

receiving a short message service (SMS) message according to short message peer-to-peer (SMPP) protocol reads on '460 (see col. 1, lines 10-52; col. 4, lines 4-26). The short message transfer protocol (SMTP) or the Internet is an open protocol system.

generating, based on the subscriber attribute information, at least one common format message that includes the SMS message reads on '460 (see col. 1, lines 10-36; col. 2, lines 23-39). The unified messaging protocol and/or the SMTP indicates that the system employs a common format/protocol message.

But, Patel does not explicitly teach about accessing a subscriber directory according to an open network protocol and supplying a common format message to a selected destination according to a selected access protocol, as claimed and argued by applicant. However, in a related field of endeavor, Ross et al. (Ross) teaches about a short message service center (SMSC) that accesses a plurality of subscriber related

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databases, including a data base for storing information regarding each subscriber serviced by the SMSC (reference is made to the entire document, particularly, see fig. 1, element 12; col. 5, lines 8-26; col. 4, line 54-col. 5, line 26); and the SMSCF is capable of receiving an SMS in one format and deliver the same in another format (see abstract). Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the teaching of Patil with that of Spielman for the advantage of providing an a means of sending a completely intake short message between systems having different definitions of a short message (see col. 3, lines 10-13).

**As per claim 35:** a server comprising:

a short message service (SMS) module configured for receiving SMS messages according to short message peer to peer (SMPP) protocol reads on '460 (col. 1, lines 10-33; col. 2, lines 23-39; col. 6, lines 8-37).

the SMS module configured for generating a query for subscriber attribute information based on the received SMS message reads on '460 (see fig. 4; col. 1, lines 10-33; col. 2, lines 23-39). The fact that "The SMSC determines if the intended destination is available to the network, and if so, the message is then sent to that destination" (see col. 1, lines 42-45) indicates that the network has some subscriber attributed data stored therein and to be consulted for routing a message/messages to a subscriber.

and generating at least one common format message based on the subscriber attribute information and that includes the SMS message reads on '460 (see fig. 4; col. 1, lines

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10-36). The SMTP is known to be a type of common format message. Furthermore, the fact that "The SMSC determines if the intended destination is available to the network, and if so, the message is then sent to that destination" (see col. 1, lines 42-45) indicates that the network has some subscriber attributed data stored therein and to be consulted for routing a message/messages to a subscriber. But, Patil does not explicitly teach about a first interface resource configured for accessing the subscriber attribute information based on the query from a subscriber directory according to a prescribed open network protocol and a second interface resource configured for outputting the at least one common format message according to at least one of SMTP protocol and IMAP protocol, as claimed and argued by applicant. However, in a related field of endeavor, Ross teaches about a short message service center (SMSC) that accesses at least one subscriber database having stored subscriber information, receive and store short messages, exchange message between devices using different protocols (see fig. 1, element 12; col. 3, lines 37-59; col. 4, line 54-col. 5, line 26). Motivation is same as provided in the rejection of claim 1, above.

**As per claim 43:** a computer readable medium having stored thereon sequences of instructions for receiving a short message service (SMS) message by a server, the sequences of instructions including instructions for performing the steps of:

receiving a short message service (SMS) message according to short message peer-to-peer (SMPP) protocol reads on '460 (see col. 1, lines 10-13). But, Patil does not explicitly teach about a computer readable medium for accessing a subscriber directory, according to an open network protocol, for subscriber attribute information based on the

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received SMS message and generating, based on the subscriber attribute information, at least one common format message that includes the SMS message and supplying the common format message to a selected destination according to a selected access protocol based on the subscriber attribute information, as claimed and argued by applicant. However, Ross about a short message service center (SMSC) that includes a subscriber database for storing subscriber information, multi-protocol interface, wherein short messages are received, stored and exchanged between devices of different protocols/definitions (see fig. 1, elements 2, 6, 12; col. 3, lines 37-59; col. 4, line 54-col. 5, line 26). Motivation is same as provided in the rejection of claim 1, above.

**As per claim 59:** a server comprising:

means for receiving a short message service (SMS) message according to short message peer to-peer (SMPP) protocol reads on '460 (see col. 1, lines 10-13). But, Patil does not explicitly teach about a means for accessing a subscriber directory, according to an open network protocol, means for generating, based on the subscriber attribute information, at least one common format message that includes the SMS message and means for supplying the common format message to a selected destination according to a selected access protocol based on the subscriber attribute information, as claimed and argued by applicant. However, Ross about a short message service center (SMSC) that includes a subscriber database for storing subscriber information, multi-protocol interface, wherein short messages are received, stored and exchanged between devices of different protocols/definitions (see fig. 1, elements 2, 6, 12; col. 3, lines 37-

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59; col. 4, line 54-col. 5, line 26). Motivation is same as provided in the rejection of claim 1, above.

**As per claim 7:** the method, wherein the supplying step includes outputting the common format message to the selected destination according to SMTP protocol reads on '212 (see col. 4, line 54-col. 5, line 26).

**As per claim 8:** the method wherein the generating step includes enclosing the SMS message within a body of a MIME data structure, and specifying within the MIME data structure that the body has an SMS type reads on '212 (see col. 4, line 54-col. 5, line 26; col. 7, line 37-67). MIME is a standard protocol that would have to be met.

**As per claim 9:** the method, further comprising:

second generating a new SMS message including subscriber messaging information for a selected subscriber reads on '212 (see abstract; col. 3, line 37-col. 4, line 26).

**As per claim 10:** the method wherein the second generating step includes obtaining subscriber message information, specifying stored unified messages within an assigned directory for the selected subscriber, from a subscriber message store according to a prescribed open network protocol reads on '212 (see col. 4, line 54-col. 5, line 26).

Open network protocol is a standard that must be met if a device is required in an environment that requires the open protocol format.

**As per claim 11:** the method wherein the subscriber messaging information specifies at least one of a stored SMS message, a voice, a fax message, and an e-mail message,



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as a corresponding at least one of the stored unified messages reads on '212 (see col. 7, lines 37-67).

**As per claim 12:** the method wherein the obtaining step includes obtaining the subscriber message information from the subscriber message store according to IMAP protocol reads on '212 (see (col. 7, lines 37-67; col. 8, lines 16-34). IMAP is a standard that is expected to be met by devices.

**As per claim 14:** the method, wherein the second generating step generates the new SMS message for the selected subscriber based on the corresponding subscriber attribute information for the selected subscriber reads on '212 (see col. 8, lines 16-34).

**As per claim 36:** claim 36 is essentially similar to claim 6 and is rejected on the same ground and motivation as claim 6.

**As per claim 38:** the server, wherein the SMS module is configured for generating a plurality of common format messages for respective destinations based on retrieval from the subscriber attribute information of a distribution list specified by the SMS message reads on '212 (see col. 8, lines 16-54).

**As per claim 39:** claim 39 is similar to claim 8 and is rejected on the same ground and motivation as claim 8.

**As per claim 40:** the server, wherein the SMS module is configured for generating a new SMS message including subscriber messaging information for a selected subscriber, the SMS module outputting the new the SMS message for the selected subscriber according to SMPP protocol reads on '212 (see col. 7, lines 37-67).

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**As per claim 41:** the server, wherein the SMS module obtains the subscriber messaging information from a subscriber message store according to IMAP protocol based on the subscriber attribute information for the corresponding selected subscriber accessed by the first interface from the subscriber directory reads on '212 (see col. 7, lines 37-67; col. 8, lines 16-54).

**As per claim 42:** the server, wherein the subscriber messaging information specifies at least one of a stored SMS message, a voice message, a fax message, and an e-mail message for the selected subscriber reads on '212 (see col. 1, lines 10-26; col. 7, lines 37-67).

**As per claim 49:** claim 49 is identical to claim 7 and is rejected on the same ground as claim 7.

**As per claim 50:** claim 50 is identical to claim 8 and is rejected on the same ground and Motivation as claim 8.

**As per claim 51:** claim 51 is identical to claim 9 and hence rejected on the same ground as claim 9.

**As per claim 52:** the method wherein the second generating step includes obtaining subscriber message information, specifying stored unified messages within an assigned directory for the selected subscriber, from a subscriber message store according to a prescribed open network protocol reads on '212 (see col. 4, line 54-coil. 5, line 26; col. 7, lines 37-67; col. 8, lines 16-54).

**As per claim 53:** the method wherein the subscriber messaging information specifies at least one of a stored SMS message, a voice, a fax message, and an e-mail message,

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as a corresponding at least one of the stored unified messages reads on '212 (see col. 1, lines 10-26; col. 7, lines 37-67).

**As per claim 54:** the method wherein the obtaining step includes obtaining the subscriber message information from the subscriber message store according to IMAP protocol reads on '212 (see fig. 7; col. 5, lines 8-26). Standard protocols are expected to be met.

**As per claim 56:** claim 56 is identical to claim 14 and is rejected on the same ground as claim 14.

**As per claim 65:** claim 65 is identical to claim 7 and is rejected on the same ground as claim 7.

**As per claim 66:** claim 66 is identical to claim 8 and is rejected on the same ground and motivation as claim 8.

**As per claim 67:** claim 67 is identical to claim 9 and is rejected on the same ground as claim 9.

**As per claim 68:** the method wherein the second generating step includes obtaining subscriber message information, specifying stored unified messages within an assigned directory for the selected subscriber, from a subscriber message store according to a prescribed open network protocol reads on '212 (see col. 4, line 54-col. 5, line 26; col. 10, lines 22-56).

**As per claim 69:** the method wherein the subscriber messaging information specifies at least one of a stored SMS message, a voice, a fax message, and an e-mail message,

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as a corresponding at least one of the stored unified messages reads on '212 (see col. 1, lines 10-26; col. 7, lines 37-67).

**As per claim 70:** the method wherein the obtaining step includes obtaining the subscriber message information from the subscriber message store according to IMAP protocol reads on '212 (see fig. 7; col. 5, lines 8-26). Standard protocols, like IMAP, are expected to be met.

**As per claim 72:** claim 72 is identical to claim 14 and is rejected on the same ground as claim 72.

**Claims 2-6, 20-21, 44-48 and 60-64 are rejected under 35 U.S.C. 103(a) as being unpatentable over Patil in view of Ross, as applied to claims 1, 43 and 59 above, and further in view Tullis et al. (Tullis) (US 5,802,314).**

**As per claim 2:** but, Patil in view of Ross does not explicitly teach about a method wherein the selected destination corresponds to a messaging folder for a selected subscriber, as claimed by applicant. However, in a related field of endeavor, Tullis, in a method and apparatus for sending and receiving multimedia messages, teaches that a multimedia message can be stored in a subscribers messaging store (see col. 2, line 36-col. 4, line 42, particularly, col. 2, lines 51-60) in a common format (col. 8, lines 41-55) wherein messages are stored in folders for reception and transmission to particular destinations (see col. 7, lines 29-67). Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to further modify the teaching of Patil in view of Ross with that of Tullis for the advantage of providing users with multimedia messaging service.

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**As per claim 44:** claim 44 is identical to claim 2. Hence, claim 44 is rejected on the same ground and motivation as claim 2. Examiner believes that a computer readable medium is required by the prior art for carrying out the messaging process described therein.

**As per claim 60:** claim 60, with the exception it being a means claim, is identical to claim 2 which is a method claim. Since, a means is required by the method to be carried out, claim 60 is rejected on the same ground and motivation as claim 2.

**As per claim 3:** the method, wherein the supplying step further includes storing the common format message as an e-mail message according to Internet Message Access Protocol (IMAP) reads on '314 (see col. 8, lines 41-55). When the references are combined as shown in the rejection of claim 2, the stored common format message of '314 will include an e-mail message according to Internet Message Access Protocol (IMAP) as provided by '460 (col. 1, lines 10-33).

**As per claim 45:** claim 45 is identical to claim 3, with the exception of claim 45 being a computer readable medium and claim 3 being a method claim. Examiner believes the prior art of record include a computer readable medium to perform the messaging function defined therein. Hence, claim 45 is rejected on the same ground and motivation as claim 3.

**As per claim 61:** claim 61 is identical with claim 3, with the exception that the latter is a method claim and the former (claim 61) is a means claim. Since, the means is required by the method, claim 61 is rejected on the same ground and motivation as claim 3.

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**As per claim 4:** the method, wherein the generating step includes generating within the at least one common format message a destination address based on the subscriber attribute information reads on '212 (see col. 4, line 54-col. 5, line 26).

**As per claim 46:** claim 46 is identical with claim 4 and is rejected on the same ground and motivation as claim 4.

**As per claim 62:** claim 62 is identical with claim 4 and is rejected on the same ground and motivation as claim 4.

**As per claim 5:** the method, wherein the subscriber attribute information specifies at least one of a distribution list specified by an identified source of the SMS message, and a destination preference specified by an identified destination of the SMS message reads on '460 (see col. 1, lines 10-33; col. 11, lines 15-45).

**As per claim 6:** a method wherein the accessing step includes of accessing a subscriber directory according to Lightweight Directory Access Protocol (LDAP) in the open network protocol for the subscriber attribute information reads on '212 (see fig. 1; col. 4, line 54-col. 5, line 26; col. 7, line 37-67). Since, (LDAP) is a standard protocol, it would have to be met.

**As per claim 20:** the feature of claim 2 is similar to the feature of claim 2. Hence claim 20 is rejected on the Same ground and motivation as claim 2.

**As per claim 21:** the feature of claim 21 is similar to the feature of claim 3. Hence, claim 21 is rejected on the same ground and motivation as claim 3.

**As per claim 47:** claim 47 is identical to claim 5 and is rejected on the same ground and motivation as claim 5.

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**As per claim 48:** claim 48 is identical to claim 6 and is rejected on the same ground and motivation as claim 6.

**As per claim 63:** claim 63 is identical to claim 5 and is rejected on the same ground and motivation as claim 5.

**As per claim 64:** claim 64 is identical to claim 6 and is rejected on the same ground and motivation as claim 6.

Claims 15-16, 57-58 and 73-74 are rejected under 35 U.S.C. 103(a) as being unpatentable over Patil in view of Ross, as applied to claims 1, 9, 43, 51, 59 and 67 above, and further in view of Wong.

**As per claim 15:** the method, wherein the second generating step includes:

retrieving from a subscriber message store at least one of a stored SMS message, a voice message, a fax message, and an e-mail message from a directory assigned for the selected subscriber reads on '460 (see col. 1, lines 10-33; col. 6, line 57-col. 7, line 28). But, Patil in view of Ross does not explicitly teach about inserting the at least one message into the new SMS message, as claimed by applicant. However, Wong teaches about a multimedia system wherein different messages are encapsulated in a common format (see col. 2, lines 14-34). Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the above references with the teaching of Wong for the advantage of making signaling protocols independent of each other.

**As per claim 57:** claim 57 is identical to claim 15 and is rejected on the same ground and motivation.

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**As per claim 73:** claim 73 is identical to claim 15 and is rejected on the same ground and motivation as claim 15.

**As per claim 16:** the method, wherein the inserting step includes converting the voice message into a text-based message, and inserting the text-based message into the new SMS message reads on '288 (see col. 2, lines 14-39).

**As per claim 58:** claim 58 is identical to claim 16 and is rejected on the same ground and motivation as claim 16.

**As per claim 74:** claim 74 is identical to claim 16 and is rejected on the same ground and motivation as claim 16.

***Allowable Subject Matter***

Claims 17-34 and 75-76 are allowed.

The following is an examiner's statement of reasons for allowance:

**As per claims 17-34 and 75-76:** the claims are directed to short message (SMS) processing. The prior art of record does not fairly teach or suggest the techniques of processing short messages in a manner recited, particularly in claim 17, as argued by applicant.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."



Claims 13, 37, 55 and 71 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### ***Response to Arguments***

Applicant's arguments with respect to claims 1-12, 14-16, 20-24, 28-30, 36, 38-54, 56-70 and 72-74 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Meless N Zewdu whose telephone number is (703) 306-5418. The examiner can normally be reached on 8:30 am to 5:00 pm..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on (703) 308-5318. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Meless Zewdu

Examiner

17 January 2005.

~~SUPERVISOR~~  
~~EXAMINER~~  
~~1/23/05~~

*[Signature]*  
ANDREW R. URBAN  
PATENT EXAMINER  
ELECTRONIC BUSINESS CENTER 2005